

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13313, of the Government of Venezuela, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) for a proposed addition (car port) to the Embassy building in an R-1-A District at the premises 2712 - 32nd Street, N.W., (Square 2119, Lots 16 and 17).

HEARING DATE: July 30, 1980
DECISION DATE: September 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-1-A District on the west side of 32nd Street between Woodland and Normanstone Drives, N.W. The west side of the property abuts Normanstone Parks.
2. The subject property is improved with a two story plus basement detached single family dwelling used as an Embassy by the Government of Venezuela.
3. The subject property is irregularly shaped. The Embassy building is generally oriented east-to-west on the property. There is an existing driveway on the north side of the property that leads from 32nd Street to a paved area large enough for three cars. Along the northern and northwestern sides of the property there is an existing stone retaining wall. The area between the building and the stone wall is paved.
4. The applicant proposes to construct a carport over the three existing parking spaces. Three sides of the carport would abut the house and the existing stone retaining wall. The front of the carport, which faces the street would be open.
5. The carport will be constructed of materials to match the materials of the existing building, which is brick with a slate roof and copper flashing. The roof of the carport will be constructed from translucent white corrugated fiberglass.

6. The south side of the carport abuts a portion of the north side lot line of the property. There is thus no side yard provided for that portion of the carport. The regulations for an R-1-A District require an eight foot side yard. The applicant therefore requests a variance to provide no side yard.

7. The property is located in an area of steep slopes. The rear of the lot slopes sharply down toward Normanstone Park. The adjoining house to the northeast is located at a substantially higher elevation than the subject property.

8. The topography of the area is such that the carport will not be readily visible from the street or from adjoining properties.

9. The topography of the site is also such that there is no other feasible location on the property to construct the carport.

10. There was formerly a garage located in the building adjacent to where the carport is proposed to be located. That area was converted to a dining room to serve the family of the ambassador. The main dining room of the house was too large to serve for informal dining purposes. The applicant proposes to use translucent material for the roof to allow light to penetrate the windows of the dining area, which would face on the carport.

11. The applicant desires to construct the carport to protect the official cars of the embassy from the weather.

12. Advisory Neighborhood Commission - 3C, by letter dated July 28, 1980, reported that the ANC did not oppose the application. The ANC was concerned about the appropriateness of the color and material of the proposed roof of the carport. The ANC recommended that the Board seek the advice of the Commission of Fine Arts before it takes final action on the case.

13. As to the issues and concerns of the Advisory Neighborhood, the Board, in finding of fact No. 8, has determined that the property is not readily visible from the street or adjoining properties. The applicant testified at the hearing and the ANC reported that the area where the carport is located is not within view of the adjacent private property. Furthermore, as viewed, from the street, the front of the carport is open and is set back approximately seventy-five feet from the street. As seen from the park, the carport is set in a corner of the property concealed by the house and the retaining walls.

As to the jurisdiction of the Commission of Fine Arts, the Board finds that the Department of Licenses, Investigations and Inspections had determined that there is no requirement for review by the Commission of Fine Arts. The Board notes that the applicant expressed a willingness to change the color of the material for the roof to grey or some other color more compatible with the existing building.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the topography of the site, the location and configuration of the existing dwelling and the presence of the existing retaining walls combine to create a practical difficulty for the applicant. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. As set forth in Finding of Fact No. 13, the Board has determined that review by the Commission of Fine Arts is not required. The Board concludes that the carport is so located and so designed that there will be no adverse impact from the design of the roof, and no useful purpose would be served by rejoining additional review of the proposed carport.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Connie Fortune, Walter B. Lewis and Charles R. Norris to GRANT; William F. McIntosh to GRANT by PROXY; Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 OCT 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTLL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT"

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.